IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5601 of 1994

Between:

1. Veeramachaneni Siva Prasad S/o Pitchaiah,

Cultivation, R/o Dokiparru, Gudlavalleru mandal,

Krishna district.

2. V.Sree Krishna Prasad S/o Pitchaiah,

Cultivation, R/o Dokiparru, Gudlavalleru mandal,

Krishna district.

3. V.Bhavani Prasad, S/o Pitchaiah,

Cultivation, R/o Dokiparru, Gudlavalleru mandal,

Krishna district. ..... PETITIONERS

AND

1. The District Collector, Krishna at Machilipatnam.
2. The Mandal Revenue Officer, Pamarru, Pamarru mandal, Krishna district.
3. The Revenue Inspector, Pamarru, Krishna district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents not to interfere with the agricultural operations by the petitioners in their own land in an extent of Ac.14-99 cents in S.Nos.44, 45 and 50 of Meer Imampalem Revenue village, Pamarru mandal, Krishna district without following the procedure under Revenue Recovery Act after verification of the revenue records prior to 1400 Fasli as being illegal, arbitrary and is opposed to the principles of natural justice.

Counsel for the Petitioner : Mr.P.V.R.SHARMA

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

ORDER:

The present writ petition is filed questioning the action of the respondents in interfering with the agricultural operations of the petitioners in the land to an extent of Ac.14-99 cents in S.Nos.44, 45 and 50 of Meer Imampalem Revenue village, Pamarru mandal, Krishna district, without following the procedure under Revenue Recovery Act.

The petitioners claim to be owners of land to an extent of Ac.14-99 cents in S.Nos.44, 45 and 50 of Meer Imampalem Revenue village, Pamarru mandal, Krishna district and are paying cist regularly right from their inception. It is alleged that on 24-3-1994 the second and third respondents visited the houses of the petitioners and demanded to pay the cist for the past 10 years and that on persuasions and verification of records admitted payment of cist for faslies 1394 to 1396 and granted remission for faslies. However, demanded cist for the faslies prior to 1394 on the ground the Village Assistant misappropriated huge amounts and destroyed the records and threatened and trespassed into their houses and took away T.V. set illegally. It is also alleged that the respondents are not allowing the petitioners to enter into their lands. Hence, the writ petition.

This Court by order dated 5-4-1994 passed interim order, which reads as under:

> *"In the circumstances, the petitioners shall pay Rs.4500/- to the second respondent and thereafter harvest the crop. If the said amount is paid, the second respondent shall issue a receipt and shall not interfere with the harvesting operations of the petitioners in*

respect of the crop in their lands. After the balance amount is paid, the T.V. set shall be handed back by the second respondent to the petitioners. The said orders will be subject to the further orders of this Court."

The learned counsel for petitioners, on instructions, submit that subsequent to the interim orders passed by this Court, petitioners have paid the entire amount due to the respondents and the same was admitted by the respondents in the counter affidavit filed in the matter.

In the circumstances, the cause in the writ petition does not survive and no further orders are required to be passed in the present writ petition. Accordingly, the writ petition is dismissed as having become infructuous. No costs.

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N.V.RAMANA, J

19th July 2004.

DA/TVK

To

1. The District Collector, Krishna at Machilipatnam.
2. The Mandal Revenue Officer, Pamarru, Pamarru mandal, Krishna district.
3. The Revenue Inspector, Pamarru, Krishna district.
4. Two CCs to the G.P. for Revenue, High Court, Hyderabad.
5. Two CD copies.